

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gernot GÖGELMANN ET AL. - 1 PCT

PCT NO.: PCT/EP2004/01441 PCT FILED: DECEMBER 17, 2004

SERIAL NO.: 10/593,858

TITLE: MATERIAL FEED CONTAINER FOR A THICK-MATTER PUMP

SUBMISSION OF INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

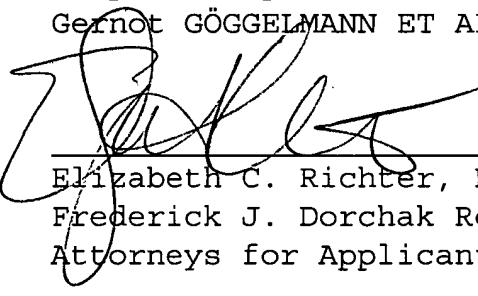
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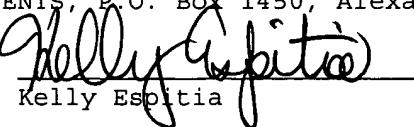
Enclosed please find a copy of the International Preliminary Report on Patentability.

Respectfully submitted,
Gernot GÖGELMANN ET AL.


Elizabeth C. Richter, Reg. No. 35,102
Frederick J. Dorchak Reg. No. 29,298
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802
Enclosure
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Kelly Espitia

PATENT COOPERATION TREATY

PCT/EP2004/014412

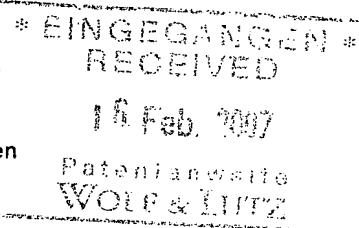
From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

REULE, Hanspeter
Wolf & Lutz
Lessingstr. 12
76530 Baden-Baden
ALLEMAGNE



Date of mailing (day/month/year)
08 February 2007 (08.02.2007)

Applicant's or agent's file reference
A 54 806 PCT

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/014412

International filing date (day/month/year)
17 December 2004 (17.12.2004)

Applicant
PUTZMEISTER AG et al

1. Transmittal of the translation to the applicant.

- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).
- The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

KR

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SM, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Ellen Moyse

Facsimile No. +41 22 338 82 70

Facsimile No. +41 22 338 82 70

TRANSLATION PATENT COOPERATION TREATY
PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A 54 806 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/014412	International filing date (day/month/year) 17.12.2004	Priority date (day/month/year) 25.03.2004
International Patent Classification (IPC) or national classification and IPC F04B39/12, F04B15/02, F04B39/14		
Applicant PUTZMEISTER AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of _____ sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. IV Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII Certain observations on the international application</td> </tr> </tbody> </table>	<input checked="" type="checkbox"/>	Box No. I Basis of the report	<input type="checkbox"/>	Box No. II Priority	<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input checked="" type="checkbox"/>	Box No. IV Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI Certain documents cited	<input type="checkbox"/>	Box No. VII Certain defects in the international application	<input type="checkbox"/>	Box No. VIII Certain observations on the international application
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<input type="checkbox"/>	Box No. VIII Certain observations on the international application															

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/014412

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- the international application as originally filed/furnished
- the description:
pages 1-14 as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____
- the claims:
nos. 1-59 as originally filed/furnished
nos.* _____ as amended (together with any statement) under Article 19
nos.* _____ received by this Authority on _____
nos.* _____ received by this Authority on _____
- the drawings:
sheets 1/8-8/8 as originally filed/furnished
sheets* _____ received by this Authority on _____
sheets* _____ received by this Authority on _____
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. The amendments have resulted in the cancellation of:
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (specify): _____
 - any table(s) related to sequence listing (specify): _____
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages _____
 - the claims, nos. _____
 - the drawings, sheets/figs _____
 - the sequence listing (specify): _____
 - any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:
 restricted the claims.
 paid additional fees.
 paid additional fees under protest.
 neither restricted the claims nor paid additional fees.
2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 complied with.
 not complied with for the following reasons:

See supplemental sheet
4. Consequently, this report has been established in respect of the following parts of the international application:
 all parts.
 the parts relating to claims Nos. _____

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims	1 - 4 3	YES
	Claims		NO
Inventive step (IS)	Claims	1 - 4 3	YES
	Claims		NO
Industrial applicability (IA)	Claims	1 - 4 3	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1 Reference is made to the following documents:

- D1: DE 42 08 831 A1 (PUTZMEISTER-WERK
MASCHINENFABRIK GMBH, 72631 AICHTAL, DE) 23
September 1993 (1993-09-23)
- D2: WO 03/042535 A (PUTZMEISTER
AKTIENGESELLSCHAFT; HURR, HELLMUT) 22 May
2003 (2003-05-22)
- D3: EP-B-1 076 596 (PUTZMEISTER; PUTZMEISTER
AKTIENGESELLSCHAFT) 21 February 2001 (2001-
02-21)
- D4: WO 03/019007 A (PUTZMEISTER
AKTIENGESELLSCHAFT; BENCKERT, HARTMUT) 6
March 2003 (2003-03-06)
- D5: US 2003/170127 A1 (MUENZENMAIER WERNER ET AL)
11 September 2003 (2003-09-11)
- D6: WO 92/18794 A (LEWIS, EDWIN, C., II) 29
October 1992 (1992-10-29)
- D7: US-A-3 995 734 (BERG, JR. ET AL) 7 December
1976 (1976-12-07)
- D8: US-A-5 302 094 (SCHLECHT ET AL) 12 April 1994
(1994-04-12)

2 INDEPENDENT CLAIM 1

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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2.1 D2 is considered the closest prior art to the subject matter of claim 1. It discloses a: material feeding container for a thick matter pump having a lower container part and a container attachment which is detachably connected to the lower container part, having a two-part end wall, a rear wall and two in each case two-part side walls, having an upwardly pointing material supply opening which is delimited by an encircling edge, having two feed cylinder openings arranged in the end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side.

The subject matter of claim 1 therefore differs from the known material feeding container in that the container attachment has an upper end wall section and upper side wall sections which extend away therefrom and have free ends, and the encircling edge has a first edge section which forms an upper rim of the container and a rear-wall-side second section, which adjoins the first edge section, on the lower container part.

It is a problem of the invention to develop a material feeding container of the type specified in the introduction in such a way that it is simpler to service and that expendable parts can be exchanged more easily.

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The abovementioned features cannot be derived from D1, so that the subject matter of claim 1 meets the criteria for novelty and inventive step.

Claims 2-29 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

3 INDEPENDENT CLAIM 30**3.1 D2 discloses a:**

material feeding container for a thick matter pump having an upwardly pointing material supply opening, having two feed cylinder openings arranged in a container end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side;

from which the subject matter of independent claim 30 differs in that:

the material feeding container includes a flap cover, which is made from plastic and/or from a light material and is coupled to a container wall, preferably the container end wall, for covering the material supply opening.

The subject matter of claim 30 is therefore novel (PCT Article 33(2)).

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

The problem addressed by the present invention can therefore be considered that of facilitating cleaning.

- 3.2 The solution proposed in claim 30 of the present application for said problem involves an inventive step for the following reasons (PCT Article 33(3)):

D1-D8 do not present any light material flap cover, and such a design also cannot be derived from D1-D8.

The solution proposed in independent claim 30 is therefore inventive (PCT Article 33(3)).

- 3.3 Claims 31-43 are dependent on claim 30 and therefore likewise meet the PCT requirements for novelty and inventive step.

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box IV

The different inventions/groups of inventions are:

1-29

Material feeding container for a thick matter pump having a lower container part and a container attachment which is detachably connected to the lower container part, having a two-part end wall, a rear wall and two in each case two-part side walls, having an upwardly pointing material supply opening which is delimited by an encircling edge, having two feed cylinder openings arranged in the end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side, with the container attachment having an upper end wall section and upper side wall sections which extend away therefrom and have free ends, and the encircling edge having a first edge section which forms an upper rim of the container and a rear-wall-side second section, which adjoins the first edge section, on the lower container part.

30-43

Material feeding container for a thick matter pump having an upwardly pointing material supply opening, having two feed cylinder openings arranged in a container end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at

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the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side; the material feeding container including a flap cover, which is made from plastic and/or from a light material and is coupled to a container wall, preferably the container end wall, for covering the material supply opening.

44-59

Material feeding container for a thick matter pump having an upwardly pointing material supply opening, having two feed cylinder openings which extend through a container end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side, with in each case one intermediate ring being arranged in the feed cylinder openings, the inner face of said intermediate ring delimiting a throughflow duct for the thick matter, with the outer lateral surface of the intermediate ring supporting at least one cam, and the container end wall in each feed cylinder opening having at least one at least partially encircling inner groove and at least one bayonet opening, which extends from an inner face which faces the interior of the container to the inner groove, for receiving the cam so as to form a bayonet connection.

Said inventions/groups of inventions are not so linked as to form a single general inventive concept for the following reasons (PCT Rule 13.1):

Claims 1-29 relate to a material feeding container for a

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thick matter pump having a lower container part and a container attachment which is detachably connected to the lower container part, having a two-part end wall, a rear wall and two in each case two-part side walls, having an upwardly pointing material supply opening which is delimited by an encircling edge, having two feed cylinder openings arranged in the end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side.

The potential special technical feature of said first group is that the container attachment has an upper end wall section and upper side wall sections which extend away therefrom and have free ends, and the encircling edge has a first edge section which forms an upper rim of the container and a rear-wall-side second section, which adjoins the first edge section, on the lower container part.

Claims 30-43 relate to a material feeding container for a thick matter pump having an upwardly pointing material supply opening, having two feed cylinder openings arranged in a container end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side;

The potential special technical feature of said second group is that the material feeding container includes a

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flap cover, which is made from plastic and/or from a light material and is coupled to a container wall, preferably the container end wall, for covering the material supply opening.

Claims 44-59 relate to a material feeding container for a thick matter pump having an upwardly pointing material supply opening, having two feed cylinder openings which extend through a container end wall, and having a tube switch which is arranged in the interior of the container, can be alternately pivoted at the inlet side between the feed cylinder openings and opens out into a pressure pipe at the outlet side, with in each case one intermediate ring being arranged in the feed cylinder openings, the inner face of said intermediate ring delimiting a throughflow duct for the thick matter.

The potential special technical feature of said third group is that the outer lateral surface of the intermediate ring supporting at least one cam, and the container end wall in each feed cylinder opening having at least one at least partially encircling inner groove and at least one bayonet opening, which extends from an inner face which faces the interior of the container to the inner groove, for receiving the cam so as to form a bayonet connection.

The problem addressed by the first group can be considered to be the following: protecting the container attachment from the transport mixer and reducing its weight.

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The problem addressed by the second group can be considered to be the following: producing the flap cover such that it is easier to clean.

The problem addressed by the third group can be considered to be the following: improving the accessibility of the container interior.

There is no technical relationship as required by PCT rule 13.2, since the potential special technical features are not equivalent and do not correspond. The inventions described in claims 1, 30 and 44 therefore do not form a single general inventive concept and the requirement of PCT Rule 13.1 is not met.

ARD & ROE, P.C.
SOUTHERN BOULEVARD
1, NEW YORK 11676



Mail Stop PCT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

